

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

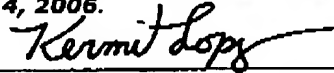
APPLICANT: Alex Nugent
SERIAL NO.: 10/730,708
FILED: 12/08/2003
TITLE: ADAPTIVE NEURAL NETWORK UTILIZING NANOTECHNOLOGY-BASED COMPONENTS

EXAMINER: Peter Coughlan
GROUP: 2129
ATTY DKT NO.: 1000-1214

CERTIFICATE OF TRANSMISSION BY FACSIMILE

Please forward all correspondence to:
ORTIZ & LOPEZ, PLLC
Patent Attorneys
P.O. Box 4484
Albuquerque, NM 87196-4484

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by facsimile transmission to the following fax number (571) 273-8300 on May 4, 2006.



Kermit Lopez

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. §1.131

Dear Sir:

I, Alex Nugent, declare as follows:

1. I am the inventor of the subject matter claimed in U.S. Patent Application Serial No. 10/730,708.
2. I am aware that claims in the above-captioned U.S. patent application stand rejected in the Office Action dated April 6, 2006 under 35 U.S.C. §103(a) as being unpatentable over Olson and/or Nagahara and/or

Mehrotra, and/or Tapang. I am further aware that for purposes of 35 U.S.C. §103(a), the effective date of the Olson reference is September 18, 2002.

3. All of the facts described hereinafter occurred in the United States of America.

4. The Olson reference generally describes subject matter dealing with neural networks, nanoconnections and neurons, and is cited by the Examiner in the April 6, 2006 Office Action as the product of a startup company referred to as "LowmTech LLC".

5. I am personally familiar with the circumstances of the invention of the subject matter described in the Olson reference as I am the president and owner of a company called "KnowmTech, LLC" based in New Mexico, which is incorrectly referred to in the Olson reference as "LowmTech LLC". As such, I am an owner of the product described in the Olson reference. I am also the inventor of the subject matter described in the Olson reference.

6. The subject matter of the Olson reference relied upon by the Examiner in the April 6, 2006 Office Action is Applicant's own invention and was originally described in a U.S. Patent Application Serial No. 10/095,273, which was filed on March 12, 2002 and issued as U.S. Patent No. 6,889,216 on May 3, 2005 entitled: "Physical Neural Network Design Incorporating Nanotechnology". U.S. Patent Application Serial No. 10/095,273 was also published as U.S. Patent Publication No. US20030177450 on September 18, 2003.

7. In Exhibit A, submitted herewith, copies of the cover sheets of published Patent Application No. US20030177450 and U.S. Patent No. 6,889,216 are presented, which both claim priority to the filing date of March 12, 2002 of U.S. Patent Application Serial No. 10/095,273, which predates the Olson reference. Exhibit A demonstrates that I conceived and constructively reduced to practice pertinent subject matter as discussed in the Olson reference, and that the subject matter of the Olson reference was claimed by me in the above captioned patent application prior to the effective date of the Olson reference.

8. Based on my personal knowledge, the inventive aspect of a plurality of neurons and nanoconnections cited by the Examiner with respect to the Olson reference was completely conceived by me before the March 12, 2002 filing date of U.S. Patent Application Serial No. 10/095,273 and before the September 18, 2002 date of the Olson reference, the subject matter of which is owned by my company, KnowmTech, LLC incorrectly referred to as "LowmTech LLC" in the Olson reference. U.S. Patent Application Serial No. 10/095,27 and the resulting U.S. Patent No. 6,889,216 are assigned to KnowmTech, LLC.

9. Based on my personal knowledge, I also believe that Olson does not provide for any teaching of an adaptive neural network.

10. The Applicant therefore submits this declaration under 37 CFR 1.131 overcomes the prior art rejections in the Office Action dated April 4, 2006 by

proving that the invention of the claimed subject matter is prior to the effective date of the Olson reference relied upon by the Examiner in the rejections set forth in the April 4, 2006 Office Action, thereby removing the Olsen reference as a prior art reference as asserted by the Examiner in the April 4, 2006 Office Action.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 10 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this declaration is directed.



Alex Nugent

Dated: May 4, 2006